

IN THE UNITED STATES DISTRICT COURT
FOR THE SHOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

SARITA GONZALEZ
Plaintiff

VS.

WALGREEN CO.
Defendant

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CIVIL ACTION NO. _____

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Defendant Walgreen Co., and files this its notice of Removal, and in support thereof would respectfully show this Court as follows:

I. State Court Action

1. The above-styled cause was initially filed in the 370th Judicial District Court of Hidalgo County, Texas. The State Court action is styled Sarita Gonzalez vs. Walgreen Co., In the 370th Judicial District Court of of Hidalgo County, Texas.

II. Parties

2. Plaintiff Sarita Gonzalez is an individual and resident of Hidalgo County, Texas.
3. Defendant Walgreen Co. is a foreign for-profit corporation incorporated in the state of Illinois.

III. Jurisdiction

4. This Court has jurisdiction over the subject matter of this cause, pursuant to 28 U.S.C.A. §1332 because this is a civil action in which the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is in between citizens of different states (Texas and Illinois). The Plaintiff admits in her Original Petition in State Court that Walgreens is a foreign corporation to the State of Texas and she is a Texas resident. The Plaintiff has specifically pled that she is seeking monetary relief over \$1,000,000.00.

IV. Timeliness

5. Defendant Walgreen Co. was served with process and Plaintiff's Original Petition on October 6, 2017. Thirty days have not elapsed since Defendant was served with Process.
6. There are no other Defendants in this matter.
7. Pursuant to 28 U.S.C.A. §1446, this Notice of Removal is timely and proper.

V. Attachments

8. Accompanying this Notice of Removal as collective Exhibit A are the following documents:
 - i. An index of matters being filed;
 - ii. All executed process in the case;
 - iii. Pleadings asserting causes of action;
 - iv. Defendant's Original Answer and Jury Demand;

- v. The docket sheet; and
- vi. A list of all counsel of record, including addresses, telephone numbers, and parties represented.

VI. Conditions Precedent

9. Defendant has tendered the filing fee to the Clerk of the United States District Court for the Southern District of Texas, McAllen Division, along with the original Notice of Removal. A copy of this Notice of Removal is also being filed in the 370th Judicial District Court of Hidalgo County, Texas and all counsel of record are being provided with complete copies.

Accordingly, Defendant respectfully requests that the above action, now pending in the 370th Judicial District Court of Hidalgo County, Texas, be removed there from to this Court. Defendant further requests any and all other relief to which it may be entitled.

Respectfully submitted,

/s/David G. Oliveira
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ATTORNEY FOR DEFENDANT,
WALGREEN CO.

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October, 2017, a true and correct copy of this Notice of Removal has been forwarded to all counsel of record by certified mail and facsimile transmission, to-wit:

Julian Rodriguez, Jr.
JULIAN RODRIGUEZ, JR. & ASSOCIATES
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/s/David G. Oliveira
DAVID G. OLIVEIRA